

**MINUTES**  
**SANDY CITY COUNCIL MEETING**

Sandy City Hall - Council Chamber Room #211  
10000 Centennial Parkway  
Sandy, Utah 84070

**November 27, 2007**

Meeting was commenced at **7:05 p.m.**

**PRESENT:**

**Council Members:** Chairman Bryant Anderson, Vice Chairman Chris McCandless, Scott Cowdell, Steve Fairbanks, Linda Martinez Saville, Stephen Smith

**Mayor:** Tom Dolan

**Others in Attendance:** CAO Byron Jorgenson; City Attorney Walter Miller; Community Development Director Mike Coulam; Planning Director James Sorensen; Police Chief Stephen Chapman; Battalion Chief Bruce Cline; Council Office Director Phil Glenn; Council Office Manager Pam Lehman

**ABSENT/EXCUSED:**

**Dennis Tenney** [out of country on business]

1. **OPENING REMARKS/PRAYER/PLEDGE:**

The Prayer was offered by **Councilman Steve Smith**, and the Pledge was led by **Boy Scout Landon Cline**.

2. **CITIZEN(S) COMMENTS:**

a. **David Daw**, 7855 South 155 East, criticized how one of the City's Police Officers interacted with his son. He stated that the speed limit between 106<sup>th</sup> South and Forbush Lane varies between 35 and 40 M.P.H., with few speed limit signs posted to warn drivers of the decrease in speed. He felt that drivers should be given a warning, not a citation, if pulled over for going 5 miles over the posted speed limit.

**Scott Cowdell** stated that one reason the speed limit is reduced in this area may be due to the steep slope along Forbush Lane, and that Creek Road is used as a walking route by school children in the area.

**Bryant Anderson** thanked Mr. Daw for bringing his concerns to the attention of the Council. Mr. Anderson asked the Administration to check on the posting of speed limit signs along 1300 East.

**As there were no further comments, Chairman Anderson closed Citizen Comments.**

**PUBLIC HEARING(S):**

3. **Creek Road Villas Rezone**

Public Hearing to consider a request submitted by Joel LeRoy, to rezone approximately 1.29 acres from the R-1-10 "Residential District" to the RM (8) "Residential Multifamily District. The rezoning would help facilitate the development of a twin home residential project. The property is located at approximately 1724 East Creek Road.

**Discussion:** **Planning Director James Sorensen** reported that Joel LeRoy, of Creek Road

Investments LLC, is requesting to rezone approximately 1.29 acres from the R-1-10 "Residential District" to the RM(12) "Residential Multifamily District". The property is located at approximately 1724 East. Creek Road. Currently, there is an older home located on the eastern end of the property, with most of the site being utilized as an open field. The applicant is proposing to remove the existing structure and develop the property. The proposed rezoning would help facilitate the development of a residential multifamily project.

On October 4, 2007 a public hearing was held by the Planning Commission to review and hear public comment regarding this proposal. After hearing comments from the applicant and the public the Planning Commission made the motion to continue the item until the November 1, 2007 Planning Commission meeting. This was done in order to give the applicant additional time to meet with the neighborhood to clarify changes that had been incorporated into his proposal that the neighborhood may have not been aware of. These changes included a proposed project with 10 units instead of 8 units, and units that are two stories instead of one story rambler units.

The neighborhood meeting was held on October 24, 2007 at fire station #31 located at 9010 South 150 East. Marsha Millet from the Mayor's Office conducted the meeting. The general consensus from the meeting was that 8 units were preferred, single level homes and marketed to "empty nesters". Some at the meeting only wanted single family homes built on the property (see attached neighborhood meeting minutes). Staff is comfortable with a proposed development of 8 units. Staff still prefers the site plan option with a through street in order to accommodate future development to the west.

On July 5, 2007 the Planning Commission reviewed this rezoning. At that time the applicant was requesting an R-2-10 Zone. The Planning Commission continued the item and requested that the applicant bring back a more specific site plan showing how the property would be developed. Since that time the applicant has met on several occasions with the City's Development Review Committee to determine what zone and site plan design would be most appropriate for this parcel of land. After reviewing several layouts it was determined that the RM Zone was the most appropriate zone for the site.

The subject property is bordered on the north by Creek Road and the Cottonwood Heights City boundary. The property is bordered on the east (recently developed twin home style project) and south (single family homes) by property located within Salt Lake County. The property also abuts single family homes (R-1-15A) located within Sandy City along the western portion of the site.

## ANALYSIS

The Sandy City Land Development Code states the following regarding the proposed RM Zoning District:

15-03-06            C. Residential District RM (Multi Family)

- Purpose. The RM District is established to provide a medium to high density residential environment within Sandy City characterized by group and small multi-unit housing and well planned site development.

The applicant is requesting that the property be rezoned in order to develop a proposed residential multifamily project. If approved, this would allow for a 10 unit multifamily project to be developed on approximately 1.29 acres. Staff feels that the proposed rezoning and

associated development would help preserve the character of the existing adjacent neighborhood.

*The City's General Plan indicates the following:*

pg. 2-44	Goal: 1.0	<i>Provide for alternative housing choices.</i>
	Pol: 1.6	<i>Encourage planned developments which will meet the needs of a variety of households - single, couple, families, elderly, and handicapped.</i>

The City's General Plan also supports the need for affordable housing as well as empty nester housing for those who do not wish to remain in a large home with a large lot to take care of. The proposed development could offer something more affordable for those who want this type of housing.

In reviewing several design options for this property, the Development Review Committee felt that the site layout should have a through street system rather than a dead end system.

A neighborhood meeting was conducted on May 7, 2007. Approximately 25 people were in attendance to discuss this proposal. The minutes from the meeting indicate that the majority of people in attendance were in favor of the proposed development, with a few vocal people against multifamily in the area.

Consideration regarding any development on this property should take into account the following issues as part of the subdivision review process:

- Access
- Street requirements
- Project compatibility
- Landscaping, buffering and fencing
- Acceptable grading plan
- Environmental concern (irrigation, drainage, etc.)

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The neighborhood meeting was held on October 24, 2007 at Fire Station #31 located at 9010 South 1300 East. Marsha Millet, from the Mayor's Office, conducted the meeting. The general consensus from the meeting was that 8 units were preferred, single level homes, marketed to "empty nesters". Some neighbors at the meeting only wanted single family homes built on the property.

Staff is comfortable with a proposed development of 8 units. Staff prefers the site plan option with a through street in order to accommodate future development to the west. Staff feels that the market will determine if the units are one or two story units. Single family detached homes can also be two stories high. Staff is concerned that these types of units are typically build with a

smaller garage. Staff would like the garages to be at least 20-22' wide x 20' in length.

#### **STAFF RECOMMENDATION**

Staff recommends that the proposed Creek Road Villas Rezoning from the R-1-10 "Residential District" to the RM(12) "Residential Multifamily District" be approved based upon the following findings:

- a. The proposed rezoning is in compliance with the Sandy City General Plan and Land Development Code.
- b. The proposed rezoning is in harmony with the goals of the Housing Element of the General Plan in providing a variety of housing types and choices.
- c. The actual built density for the subject property or any proposed development is based upon final subdivision approval and how compatible the proposed development is with the physical layout of the property and all City ordinances.
- d. All site concerns as well as those listed in the staff report will be considered and worked out prior to final subdivision approval.
- e. Other properties within the immediate vicinity have been zoned to allow for multifamily residential housing.
- f. Development at the subject location can be compatible with the surrounding area.

**Joel Leroy**, Applicant, 14868 Vintage View Lane, Draper, stated that they would like to provide homes for empty nesters with a main floor living area, and higher end housing within an affordable price range.

#### **Chairman Anderson opened the Public Hearing.**

**Sam Bell**, 5695 Lorna Dell Circle, representing petitioners opposed to the development and rezone, addressed concerns related to parking spilling onto Creek Road, and the increase in traffic caused from the proposed development. The proposed PUD style development is not compatible, he says, with neighboring areas that are zoned for single family dwellings. The residents asked the Council to consider the guidelines implemented in the General Plan and listen to those who are opposed to the rezone.

**Dale Gee**, 1658 Creek Road, stated that he lives across the street from a county duplex, and is not happy with what takes place there. He asked the Council to say no to the rezone.

**Gary Gee**, 1709 Creek Road, stated that it is impossible at times to back out of his driveway onto Creek Road due to the volume of traffic. He stated that he felt that the majority of people who attended the neighborhood meeting were opposed to the proposed development and the rezone. He asked the Council to zone the property for single family homes.

**Marva Gee**, 1709 Creek Road, asked the Council to leave the zoning for single family homes.

#### **Chairman Anderson closed the Public Hearing.**

**Chris McCandless** stated that he read both petitions for and against the rezone and was sensitive to each of their concerns. He stated that he liked the concept of the proposed development with the increased garage sizes. However, he would oppose having access from the new development into the existing neighborhood to the west. Mr. McCandless recommended that a traffic study be conducted for Creek Road. He stated that he would support the proposed rezone.

**Scott Cowdell** stated that the area along Creek Road has "exploded" with new housing and development, causing traffic in the area to become even more "horrendous". He stated that there was no doubt in his mind that Creek Road will eventually need to be widened in the future. He suggested considering a single family development with smaller lots for the subject property. He struggles with the twin-home concept and its quality compared to single family.

**Joel LeRoy** stated that the subject property is too small to provide the needed frontage required for single family homes.

**Steve Fairbanks** stated that he did not believe the proposed RM-8 zone would have a significant impact on the area, and that the proposed development provides a safer traffic flow. He believes the proposed development offers the best resolution for the subject property.

**Bryant Anderson** asked if the developer had considered removing one of the units so that seven single family homes could be built on the property. Mr. Anderson felt this would still provide needed benefits for the developer and residents.

**Joel LeRoy** stated that the City requires that the developer install a 26 foot drainage easement on the property, which will take up much of the usable square footage of the property.

**Bryant Anderson** asked James Sorensen if Staff looked at options of zoning the property as a PUD development.

**James Sorensen** stated that a PUD development was considered, however, it does not work on small parcels since the City requires that 50% of the development be used for open space. Properties that are less than five acres are generally zoned RM.

**Bryant Anderson** asked if there was a zone that would allow the separation of the twin homes.

**James Sorensen** stated that Staff looked into every possible zone and found that the RM Zone was the best fit for the subject property.

**Scott Cowdell** asked why the road design was changed.

**James Sorensen** explained that the latest proposal allows for a through street to the west when the vacant land is developed.

**Mike Coulam** reported that the developer presented numerous road designs to Staff at their development meetings. The City Transportation Engineer felt that the current design provides the best access for any future development, and provides a system where drivers can face forward when entering onto Creek Road.

**Scott Cowdell** felt that this development was a prime example of what can be done with the remaining infill properties that are left in the City. He understands that developers need to get the most out of a development since this is their livelihood. However, he feels that the homes may not be designed the best. He felt that there are other examples in the City where single family homes have been built for empty nesters.

**Mike Coulam** informed the Council that the developer has already eliminated several of the units in the project in order to create a development that would be successful not only for him, but a project that would fit nicely into the area.

**Motion:** **Chris McCandless** made the motion to have documents brought back to adopt the Creek Road Rezone as submitted by the developer Joel LeRoy, to rezone approximately 1.29 acres from the R-1-10 "Residential District" to the RM (8) "Residential Multifamily District with the following conditions:

1. No more than eight units are permitted on four buildings.
2. Garages be a minimum of 20' wide and 22' deep.
3. Study the future widening aspects of Creek Road then plan according to Staff's satisfaction.
4. Traffic Study accompany approvals of the site plan review by the Planning Commission.

**Second:** **Steve Fairbanks**

**Question on the Motion:**

**Steve Fairbanks** asked if Mr. McCandless would consider changing the garage size to 20' by 22' in either direction.

**Chris McCandless** stated that he would accept Mr. Fairbanks amendment to his motion.

**Clarification on the Motion:**

**City Attorney Wally Miller** reminded the Council that the issue at hand was to determine whether the subject property should be rezoned to the RM Zone. Mr. Miller cautioned that when the Council begins to impose specific conditions, they are stepping into an area that is not part of the Legislative process.

**Mike Coulam** stated that the Planning Commission has the Administrative authority to review site plans, conditions, and traffic impacts for developments. The Council could ask the Planning Commission to consider the four conditions in the motion as part of the site plan review.

**Amendment to the Motion:**

**Chris McCandless** amended the original motion to include the four conditions as recommendations for the Planning Commission to consider.

**Steve Fairbanks** indicated that he would maintain his second to the motion.

**Question on the Motion;**

**Bryant Anderson** asked Mr. Sorensen, once again, if there was any way that seven single family homes could be built on the property. He stated that

he believes the proposed development would be out of character with the surrounding residential areas.

**James Sorensen** stated that with all the preliminary meetings, discussions, and reviews that have taken place regarding the proposed project, that it was his and the Planning Commission's opinion that the proposed development is best suited for this site. Each single family home, if zoned in the R-1-10 Zone, would require 10,000 sq. ft. along with set-back requirement and a street system. This would be difficult to meet. The proposed design was based on a design for a public street that would be safe. This required clustering of homes in order to obtain the benefits of the project. Mr. Sorensen stated that compromises need to take place in order to make developments on smaller, oddly shaped infill lots work.

**Bryant Anderson** thought that the zone selection was the problem, not the seven units.

**James Sorensen** stated that regardless of the zone, the developer would still need to meet setback requirements, which would make developing the property economically difficult for any individual.

**Chris McCandless** stated that if single family homes were built, it would bring additional children or family oriented people to the area, generating more cars and trips.

**Call the Question:**

**Chris McCandless called the Question. Four of the seven Council responded verbally in the affirmative.**

**Vote: McCandless – Yes, Fairbanks- Yes, Cowdell- No, Tenney- Absent, Smith – Yes, Saville- Yes, Anderson- No**

**Motion Approved: 4 in favor- 2 opposed -1 absent**

4. **MAYOR'S REPORT**

a. **Mayor Dolan** complimented the Council staff on the beautiful Christmas decorations that were in the Council Chambers.

b. **Mayor Dolan** reported that the Council and City Officials have been invited to the topping off ceremony for the REAL Stadium, scheduled for December 10<sup>th</sup>. The last piece of steel will be put in place on the structure.

5. **CAO'S REPORT:**

a. **Byron Jorgenson** reported that the Police Department was making some progress on their investigation into the recent shooting at Village Inn. The investigation is progressing but will take time to complete. They believe that they will eventually solve the case.

b. **Byron Jorgenson** reported that Mayors from the East and West side schools will be meeting regarding transition items related to the school district split on December 4<sup>th</sup>.

c. **Byron Jorgenson** reported that bids will open tomorrow on the Urban Fishery.

Construction is projected to begin after the first part of the New Year.

6. **COUNCIL OFFICE DIRECTOR'S REPORT**

- a. **Phil Glenn** presented copies of the monthly calendar noting that the Alta Canyon Recreation Expansion Steering Committee will be holding a meeting on November 28<sup>th</sup>. Councilmembers currently serving on the committee are Steve Smith, Bryant Anderson and Dennis Tenney. The meeting will be held at the Parks and Recreation Building at 4:30 p.m.
- b. **Phil Glenn** reported that Dennis Tenney asked to be excused from the Council meeting. He is out of the Country on business.
- c. **Phil Glenn** presented a letter from the Jordan School District, forwarded by John Hiskey, explaining to their employees what will take place with the school district split.
- d. **Phil Glenn** presented copies of the individual Council bios that have been posted on the City's web page. He asked the Council to review, update, and return them to the Council Office for posting on the City's new web page.
- e. **Phil Glenn** informed the Council that they would be hearing a conditional use for the Gravel Pit during next week's Council meeting. He presented copies of the Sandy Development Code pertaining to the SDMU ordinance. The Council determined that they would act as the conditional use approval body for uses at the gravel pit.
- f. **Phil Glenn** reported on the 106<sup>th</sup> South interchange landscape improvements scheduled to begin in March, 2008, the Quail Hollow Park design which is scheduled to go before the Planning Commission sometime in January, the new restroom that will be installed at Flat Iron Park in December, and that the Union Middle School park is scheduled for construction in May, 2008.

7. **OTHER COUNCIL BUSINESS**

- a. **Scott Cowdell** suggested, as a precaution, that a variety of people be sought (for committees) who are excited about the school district split and will work to get the new system running and make it successful.
- b. **Scott Cowdell** felt that many of the projects planned as part of the new Historic Master Plan have been pushed aside, with nothing being done to accomplish what the Council asked. He felt that the only event that came to fruition was the Founder's Day Parade. He asked that the Council be given an update on the status of the various projects.

**Bryant Anderson** asked if there was a list of projects the Council requested as part of the budget for the Historic Master Plan.

**Scott Cowdell** indicated that he thought funding had been set aside to start the lighting project in Historic Sandy, along with the 8680 South resurfacing, new street lighting, and curb and gutters.

**Bryant Anderson** stated that he thought some of the funding for these projects was available through CDBG funding.

**Scott Cowdell** stated that the CDBG budget does not provide adequate funding for these projects. He stated that funding for these projects would need some assistance from the General Fund.



**Byron Jorgenson** suggested having the department heads come and report on the status of the street lighting, road projects, and park projects in Historic Sandy.

**Mike Coulam** reported that many of the projects have to be re-bid since the original bids were high due to inflated construction costs.

c. **Linda Saville** reported on a telephone conversation she had with County Mayor Peter Carroon. She reported on a program that the County is participating in to help foster children, turning eighteen years old, and are no longer able to stay in the foster care program. These individuals are left with no place to go. The County will involve their Youth City Council to assist with this new program. Councilwoman Saville felt that this would be a worthwhile project for Sandy's Youth City Council to be involved with, to help find homes for these children to live.

d. **Linda Saville** reported that Mayor Corroon would be looking into the Markee at the Expo Center and why it has not been installed.

e. **Bryant Anderson** reported on a recent COG Meeting he attended. The County Commission approved the Wasatch Front Transportation List, with 80% of the list being dominated by transit projects over the next seven years. He also noted that he spoke with an individual who would be willing to help the city procure land for open space.

f. **Chris McCandless** reported on several issues coming before this year's Legislative Session, one being the support for the Utah Transit Authority and the Jordan School District's budgets being opened to the public. He encouraged the Council to participate as much as possible in this year's sessions, and to pursue and support good legislation.

g. **Steve Smith** reported that ReAL's Parking Management Plan update would be going before the Planning Commission at their next meeting. He asked Mr. Anderson if he would schedule a time in the future for the Council to hear the same update.

At approximately 9:15 p.m., **Steve Fairbanks** made a motion to adjourn Council Meeting, motion seconded by **Bryant Anderson**.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

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Bryant F. Anderson  
Council Chairman

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Pam Lehman  
Council Office Manager

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